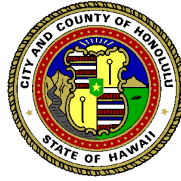


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 211, HONOLULU, HAWAII 96813-3091
Phone: (808) 768-7786 · Fax: (808) 768-7768 · EMAIL: ethics@honolulu.gov
Internet: www.honolulu.gov/ethics

KIRK CALDWELL
MAYOR



July 14, 2016

TO: CHAIR VICTORIA MARKS, VICE CHAIR MICHAEL LILLY AND
MEMBERS OF THE ETHICS COMMISSION

FROM: LISA P. PARKER AND KRISTINE I. BIGORNIA, LEGAL CLERKS

SUBJECT: AGENDA ITEMS FOR THE JULY 20, 2016 MEETING, **OPEN SESSION**

I. CALL TO ORDER

II. NEW BUSINESS

A. For Action: Motion to Approve the Open Session Minutes of the June 15, 2016 and June 23, 2016 Meetings.

B. Staff's Administrative Report.

1. Work Reports from Staff Members. **7-14-16 Agenda Item II.B.1., OPEN-1 [Bigornia's and Parker's Monthly Reports]**

2. Report on the Status of Move to Kapalama Hale.

A tentative site visit has been scheduled for Thursday, July 21, 2016 at 3:30 p.m.

3. Report on Charter Amendments: Affecting Ethics Laws.

The Charter Commission met on July 13, 2016. Among the items discussed were Proposals 39 (EC Attorney Salaries) and 153 (Gift Law Revisions).

Chair Marks and Vice-Chair Lilly provided written testimony. Copies are attached. **7-14-16 Agenda Item II.B.3., OPEN-2 [Ltr. to Chair Rae from Michael Lilly-July 12, 2016]** and **7-14-16 Agenda Item II.B.3., OPEN 3 [Ltr. to Chair Rae from Victoria Marks-July 12, 2016]**

At the meeting, Proposal 39 was amended to cap the EDLC salary at the level of COR's first deputy and the salary of all other attorneys were capped by the EDLC salary. As amended, it was advanced to the Committee on Submission and Information. The Committee on Submission and Information is responsible for preparing the charter amendment ballot questions.

Proposal 153 was not advanced to the Committee on Submission and Information. Although the vote was 6-5 in *favor* of advancement, Charter Commission Rule 2(b) requires the approval of *seven* members of the Commission. The motion to advance therefore failed by one vote.

C. For Discussion and Action: Modification of Personnel Evaluation Form for the Executive Director and Legal Counsel.

Continuation from the June 15, 2016 EC meeting, and the action desired by Vice Chair Lilly, requesting review and comments from the Commission. **OPEN-4 [Final Draft Evaluation Form from the June 15, 2016 meeting]**

D. For Discussion and Action: Report from Commission Chair Regarding the Hiring of the Acting Executive Director/Associate Legal Counsel.

No materials from Staff for this item.

E. For Discussion and Action: Status Reports from PIG Regarding the Hiring for Full-Time Positions of the Executive Director and Legal Counsel, Associate Legal Counsel and Investigator.

No materials from Staff for this item.

F. For Discussion and Action: Status Reports from PIG Regarding the Filling of Temporary Positions of the Executive Director and Legal Counsel, Associate Legal Counsel and Investigator.

No materials from Staff for this item.

Should you have any questions on these matters, please contact me.

7-14-16

OPEN – 1

Agenda Item II.B.1., Pg. 1

**[Bigornia's and Parker's
Monthly Report]**

To: Ethics Commission
From: Kristine Bigornia, Legal Clerk I
Date: July 14, 2016
Subject: Report from June – July, 2016

I. MEETING MATERIALS

- A. Uploaded the filed agenda on the website
- B. Gathered the meeting materials

II. PREPARING FOR THE MOVE TO KAPALAMA HALE

- A. CONTINUATION: There are nine (9) boxes in the office that needs to be prepped for DIT to scan and then archive.
- B. CONTINUATION: Scanning and shredding documents

III. OTHER ADMINISTRATION DUTIES

- A. Answering phone calls from both members of the public and city employees regarding various matters.
- B. Updating the EC website, including an updated Registered Lobbyist list
- C. Updating the financial disclosure list for next calendar year with new City employee and appointed Board and/or Commission members filing their initial form throughout the year.
- D. Assisting in completing UIPA requests

LISA PARKER'S WORKLOAD REPORT – JUNE-JULY 2016

- I continued my duties in keeping the office running by performing my usual administrative P-Card duties, as well as my normal duties of sorting and filing incoming pleadings and mail, finalizing letters and other documents from this office, as well as worked with COR's administrative services officer and administrative support agencies on other fiscal and personnel matters.
- Since the resignation of our EDLC, I assisted with the intake and the logging-in of all complaints that were received either by email or in person, as well as forwarded all requests for records to COR, pursuant to the immediate response deadlines.
- I continued to have daily discussions with Kristine "Krissy" Bigornia about the upcoming move to Kapalama Hale, as well as continued to have phone and/or email discussions with the Division Chief of the Department of Facility Maintenance (DFM) regarding the parking concerns onsite. Prepared and processed a parking application for the Acting EDLC. Emailed to the Department of Design and Construction (DDC) regarding the process involved in moving office equipment (Xerox machine).
- I received, as well as responded to inquiries from the various departments or divisions with regard to training, financial disclosures, etc. as well as set-up meetings.
- Provided assistance with the Charter Commission Proposals 39 and 153.
- I drafted and finalized all the EC meeting materials, as well as the Minutes of the June 15 and June 23rd EC meetings, after they were formally approved.

7-14-16

OPEN – 2

Agenda Item II.B.3., Pg. 1

**[Ltr. to Chair Rae from
Michael Lilly-July 12, 2016]**

NING, LILLY & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700 • Honolulu, HI 96813
(808) 528-1100

Ke-ching Ning
Michael A. Lilly
Stephen A. Jones
Jared N. Kawashima

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WRITER'S DIRECT E-MAIL ADDRESS:
Michael@nhllaw.com

July 12, 2016

Dave Rae, Chair, Charter Commission
City and County of Honolulu
530 South King Street, Room 501
Honolulu HI 96813

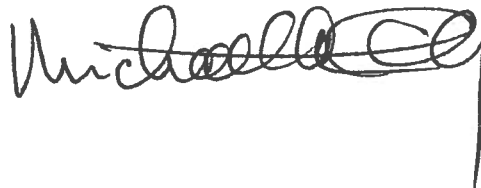
Re: Proposal # 39, Salaries of Ethics Commission Staff Attorneys

Dear Chair Rae:

I write as Vice Chair of the Ethics Commission of the City & County of Honolulu.

For purposes of independence and the reasons stated in the letter of July 1, 2016 from Carolee C. Kubo to you, the Ethics Commission favors Proposal # 39. Currently, while the Commission sets the salary of the Executive Director, Legal Counsel, the Assistant Legal Counsel is subject to limitations over which the Commission has no control. We very much would appreciate Proposal #39 being approved by the Charter Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Lilly", with a long vertical line extending from the bottom of the signature.

Michael A. Lilly

7-14-16

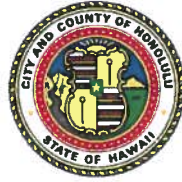
OPEN – 3

Agenda Item II.B.3., Pg. 1

**[Ltr. to Chair Rae from
Victoria Marks-July 12, 2016]**

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

HON. VICTORIA S. MARKS (RET.)
CHAIR

July 12, 2016

The Honorable David W. Rae, Chair
and Members
2015-2016 City Charter Commission
Honolulu Hale
530 South King Street, Room 501
Honolulu, Hawaii 96813

Dear Chair Rae and Members:

Subject: Proposal # 39, Salaries for Ethics Commission Staff Attorneys

I write as the Chairperson of the Ethics Commission of the City and County of Honolulu and not on behalf of the Commission, which has not had an opportunity to review the subject proposal.

I write in support of the alternate language proposed by the Department of Human Resources ("DHR"), as follows:

"The salaries of the executive director and any staff attorneys of the ethics commission shall be set by the ethics commission. The salary of the executive director shall not exceed the salary of any division head within the Department of the Corporation Counsel and the salaries of any other staff attorney shall not exceed the salary of the executive director."

A copy of DHR's July 1, 2016 letter is attached hereto for your convenient reference.

If you have any questions regarding the information above, I will be happy to provide you with any further information or clarification that may be needed.

Sincerely,

Victoria S. Marks (lp)

Victoria S. Marks

VSM:lp
Attachment

7-14-16

OPEN – 4

Agenda Item II.C., Pg. 2

**[Final Draft Evaluation Form
from the June 15, 2016
meeting]**

EC EDLC 2016 Performance - Commission Member Input

(Numerical Input)	Excellent	4																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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Comments *(Please Input Comments)*

Provide Vision & Leadership - Develop effective strategic plans, programs and policies to support EC's mission and objectives; Motivate and inspire staff to maximize their own development potential and mission support; Deliver strong operating and staff performance. Innovative and creative, gains trust and confidence of those he interacts with. Maintains a high level of personal and professional integrity. Role model for city employees.

Work with Commission Members - Advising and assisting EC members; Clarity and timeliness of memos, reports and minutes provided to EC; Records and reference materials provided; Resolutions and alternatives provided to EC. Shows willingness to improve job knowledge. Accepts feedback in a cooperative and honest fashion. Gains trust and confidence. Responds promptly to requests for information.

EC EDLC 2016 Performance - Commission Member Input

Work Quality and Quantity in Major Duties: *Knowledge of ethics laws and administrative and legislative processes; Respond to request for ethics advice; Conducting investigations of alleged misconduct, probable cause and contested hearings; Presentations at meetings; Legal research; Negotiations and settlements; Developing legislation, rules and guidelines; Provide education and training; Displays positive attitude. Shows good work habits. Willing to improve job knowledge.*

Trusted Face/Voice of EC - *Build strong relationships with the Council, Administration, City agencies, community and City employees and officers through: Education programs; News media interaction; Public access to public reports and filings by officials, candidates, lobbyists; Working with other Federal, State and City agencies, including law enforcement; Gains trust and confidence of others. Promotes positive relationship with the public.*

Supervising Subordinates: *Create team-based, cooperative work environment that allows for professional growth and advancement; Clearly communicate plans, policy, initiatives and directives to staff; Conduct timely staff appraisals. Effective delegation of responsibilities. Promotes high degree of morale. Leads staff to excellence.*

EC EDLC 2016 Performance - Commission Member Input

Effective Planning, Procedures and Priorities - *Develop and maintain an effective organization supported by sound policies and procedures, sufficient resources and funding, a strong team and case and project priorities. Demonstrate good managerial skills, goals, and objectives, and training and development. Effective in carrying out financial and budgeting responsibilities.*

General - *Overall Performance & Improvement Areas*